

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MYRON G. THOMAS**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:10CV472-HSO-JMR**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

This cause comes before the Court on the Report and Recommendation [20] of Chief United States Magistrate Judge John M. Roper entered in this cause on July 31, 2012, and on the Plaintiff's Motion for Summary Judgment [13] filed August 26, 2011, pursuant to FED. R. CIV. P. 56. Plaintiff filed his Complaint pursuant to 42 U.S.C. § 405(g), seeking review and reversal of the administrative decision of the Commissioner of Social Security. The Magistrate Judge recommended that Plaintiff's Motion for Summary Judgment [13] be denied, and that the Commissioner's decision be affirmed. Report and Recommendation, at p. 12. To date, Plaintiff has not filed any objection to the Magistrate Judge's Report and Recommendation.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and

Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Based upon the record before this Court, and having conducted the required review of the Report and Recommendation, the Court is of the opinion that the Magistrate Judge's findings of fact and conclusions of law are neither clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1). The Court finds that the Magistrate Judge properly recommended that Plaintiff's Motion for Summary Judgment [13] be denied, and that the decision of the Commissioner be affirmed. The Court further finds that, for the reasons stated herein, the Report and Recommendation [20] of Chief United States Magistrate Judge John M. Roper entered in this cause on July 31, 2012, should be adopted as the finding of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [20] of Chief United States Magistrate Judge John M. Roper entered on July 31, 2012, is adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Plaintiff's Motion for Summary Judgment [13] filed on August 26, 2011, is **DENIED**.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, the decision of the Commissioner of Social Security is **AFFIRMED**. A separate judgment will be entered in accordance with this Order as required by Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 16<sup>th</sup> day of August, 2012.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE